

REMARKS

The Office Action dated May 13, 2003 has been fully considered by the Applicant. Claims 1, 2-6, 8-11, 14 and 18-19 have been currently amended. New claim 20 has been added and claims 2, 7, 12, 13, 15-17 have been previously canceled.

Applicant herewith submits a cleaner version of the original declaration as requested by the Examiner.

The rejection of Claims 1, 3-6, 8-11, 14 and 18-19 under 35 U.S.C. §112 have been addressed by amendments to the claims.

Claims 9, 10, and 14 have been rejected under 35 U.S.C. §102(b) as anticipated by Burton et al (US 3,719,389). Claim 9 has been currently amended to indicate that the opening is formed by cutting an opening into one edge of the tubular member which thereby leaves a single thickness band of material on the other edge of the tubular member at the opening. The cutting out of the material of the tubular member to form an opening is neither taught nor suggested in the Burton et al patent. Burton et al teaches crushing a tube forming a double thickness to provide an aperture to receive an insert, whereas Applicant's invention teaches the cutting out of portions of one edge of the tubular member to form an opening for insertion of a second member, thereby leaving a single thickness band of material on the other edge of the tubular member at the opening to surround the second member. The removal of the material from the tubular member avoids the problem of the formation of unsightly bulbous protrusions, as still appears in the Burton et al patent. Applicant therefore believes that currently amended claims 9, 10 and 14 are clearly distinguishable of the Burton et al patent (US 3,719,389).

Claims 1, 3-6, 8 and 19 have been rejected under 35 USC 103(a) as being unpatentable over Burton et al (US 3,719,389) in view of Nicely (US 4,627,543). Claims 1, 3-6, 8 and 19 have been currently amended and Applicant believes that the claims as amended clearly distinguish over the prior art.

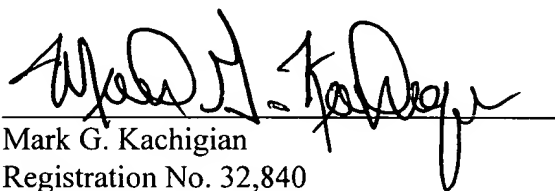
Although the Burton patent discloses a provision of an opening and the Nicely patent discloses the use of an insert, neither of these two inventions attempts to solve the problem of preventing a bulbous formation of the mechanical joints, as does Applicant's invention. In the Burton et al patent the crushing the tube forms such a bulbous shape, and a bulbous shape is formed in the Nicely patent by the attachment of an annular housing 16 to a shelf unit. Applicant overcomes this bulbous formation problem by providing a first tubular member having an opening which is formed therein by the removal portions of one edge of the tubular member, thus leaving the other edge of the tubular member to be of a single thickness at the opening. Thus, in both the Burton et al patent and in the Nicely patent the bulbous formation at the mechanical joint is present, but neither patent, alone or in combination, attempts to address this problem. Further Examiner Hewitt suggests that the Burton et al patent discloses a thin band of material, but what the Burton et al patent shows is two bands of material, created by crushing the tubular member and as no material is removed, the bulbous formation and/or elongated band has to be created as the displaced crushed material has to go somewhere.

Applicant respectfully disagrees with the Examiner's suggestion that the Nicely and Burton et al patents show the provision of a single band material to be obvious as there is nothing in these two patents to suggest that one edge of the tubular member should be removed to allow the mechanical joint formed to be more attractive and to eliminate a bulbous formation. Applicant

hereby respectfully requests reconsideration of the rejection of claims 1, 3-6, 8 and 19 under 35 USC 103(a). The claims have been amended to more clearly indicate this feature and we believe that with this amendment and the supporting argument the invention should be allowed to proceed to grant.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark G. Kachigian', is written over a horizontal line.

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